

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James DeCarlo on 12/4/2009.

The application has been amended as follows:

IN THE CLAIMS

1. A method comprising:
accessing a database of data streams by at least one server to create a plurality of personalized internet radio stations for broadcast to a plurality of users, each of said personalized internet radio station for broadcast to one individual user of said plurality of individual users and having an individualized playlist that is created exclusively for said individual user and identifying at least one data stream selected from said database for broadcast as said individual user's personalized internet radio station;
selecting, by said at least one server, said at least one data stream for said individualized playlist, said at least one data stream of said individualized playlist for broadcast over a computer network to a computer for said [[an]] individual user as said individual user's personalized internet radio station, said at least one data stream being selected from said database according to a selection method performed by said at least one server to create said playlist of data streams exclusively for said individual user's personalized internet radio station using said individual user's preferences for data streams, said selection method performed by said at least one server being influenced by said individual user's preferences for data streams but

not controlled by said individual user's data stream preferences so as to prevent an on-demand selection of data streams by the at least one server for broadcast to said individual user based on said individual user's data stream preferences;

transmitting, by said at least one server, said at least one selected data stream to said computer as said personalized internet radio station broadcast for said individual user via said network;

receiving, by said at least one server, feedback via said network, said feedback expressing a preference of said individual user regarding at least one of said transmitted at least one data stream; and

reutilizing, by said at least one server, said selection method in response to receiving preference of said individual user,

said reutilizing said selection method performed by said at least one server comprising selecting one or more of said data streams for said playlist for broadcast as part of said individual user's personalized internet radio station, said selecting being made in accordance with said individual user's data stream preferences, including said received preference, and limiting said individual user's control over selection of particular data streams from said database to prevent said on-demand selection of data streams.

2. The method of Claim 1, further comprising:
performing said step of reutilizing by said at least one server to update said individualized user's playlist of data streams using said individual user preferences while a data stream selected for said personalized internet radio station is being experienced by said individual user at said computer.
3. The method of Claim 1, the steps further comprising:
receiving by said at least one server via said network feedback expressing preferences from sources other than said individual user.

4. The method of Claim 3, wherein the step of receiving preferences from sources other than said individual user further comprises:
receiving by said at least one server via said network feedback expressing preferences from the group consisting of other users, commercial radio stations, and lists of popular songs.
5. The method of Claim 1, further comprising:
informing said individual user generally regarding said database and said data streams;
querying said individual user as to initial individual user preferences and then performing said step of selecting at least one data stream from said database to generate an initial transmission list of data streams, said initial transmission list being selected using said initial individual user preferences and said selection method.
6. The method of Claim 1, wherein said data streams are selected from the group consisting of songs and videos.
7. The method of Claim 2, wherein a data stream selected for said playlist is removed from said playlist after it is broadcast to said computer.
8. The method of Claim 7, wherein said data stream removed from said playlist is listed on a transmitted data stream list.
9. The method of Claim 1, wherein said selection method taking into account sound recording performance restrictions in data stream selection.
10. (Cancelled)

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11. A system comprising:

a database of media content data streams;

at least one server computer connected to a computer network, said at least one server computer accessing said database to create a plurality of personalized internet radio stations for broadcast to a plurality of users, each of said personalized internet radio station for broadcast to one individual user of said plurality of individual users and having an individualized playlist that is created exclusively for said individual user and identifying at least one data stream selected from said database for broadcast as said individual user's personalized internet radio station;

a data stream controller coupled to said at least one server computer, said data stream controller transmitting media content data streams to said individual user at a computer connected to said network according to a selection program performed by said at least one server computer to select data streams for broadcast over said computer network to said computer as said individual user's personalized internet radio station;

said selection program used in selecting media content data streams for said individual user's playlist, said individual user's playlist for transmission to said computer for said individual user via said data stream controller as said individual user's personalized internet radio station, said selection program receiving feedback via said computer network indicating a preference corresponding to at least one of the media content data streams from said individual user, said selection program performed by said at least one server computer being influenced but not controlled by said individual user preferences, said selection program using said individual user preferences to select data streams to be experienced at said individual user computer and limiting said individual user's control over selection of data streams from said database to prevent an on-demand selection of said data streams by said at least one server

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computer for transmission to said individual user based on data stream preferences.

12. The system of Claim 11, wherein said computer network comprises the Internet.

13. The system of Claim 11, wherein said database is a song database and the data streams are songs.

14. The system of Claim 11, wherein said database is a music video database and the data streams are music videos.

15. The system of Claim 11, wherein said media content data streams are to be experienced via an electronic media player.

16. (Cancelled)

17. (Cancelled)

18. The system of Claim 11, wherein said selection program modifies said playlist of data streams for transmission to said individual user according to said individual user preferences.

19. The system of Claim 11, said selection program taking into account sound recording performance restrictions.

20. (Cancelled)

21. An apparatus comprising:
at least one server computer that executes code to generate a plurality of
personalized internet radio stations for broadcast to a plurality of users,

each of said personalized internet radio station for broadcast to one individual user of said plurality of individual users and having an individualized playlist that is generated exclusively for said individual user and identifying at least one data stream selected from said database for broadcast as said individual user's personalized internet radio station, said at least one server computer to further provide:

a rating tool, said rating tool receiving individual user preferences regarding one or more data streams played at a[[n]] computer for said individual user by a media player, said individual user preferences comprising said individual user's ratings associated with said one or more data streams; and

a playlist generator, said playlist generator generating said playlist by identifying data streams to be experienced by said [[an]] individual user as said individual user's personalized internet radio station using said media player, said playlist generator selecting data streams for inclusion in said playlist according to said individual user preferences received from said individual user, and limiting said individual user's control over data stream selection to prevent an on-demand selection of a data stream by said at least one server computer for broadcast to said individual user based on data stream preferences.

22. (Cancelled)

23. An apparatus of Claim 21, further comprising:
said playlist generator further selecting data streams in accordance with sound recording performance restrictions.

24. A method comprising:

accessing a database of data streams by at least one server to create a plurality of personalized internet radio stations for broadcast to a plurality of users, each of said personalized internet radio station for broadcast to one individual user of said plurality of individual users and having an individualized playlist that is created exclusively for said individual user and identifying at least one data stream selected from said database for broadcast as said individual user's personalized internet radio station;

selecting, by said at least one server, at least one data stream for said individualized playlist, said at least one data stream of said individualized playlist for broadcast over a computer network to a computer for said individual user as said individual user's personalized internet radio station, said at least one data stream being selected from said database according to a selection method performed by said at least one server to create said playlist of data streams exclusively for said individual user's personalized internet radio station using said individual user's preferences for data streams, said selection method performed by said at least one server being influenced by said individual user preferences for data streams but not controlled by said individual user's data stream preferences so as to prevent an on-demand selection of data streams by said at least one server for broadcast to said individual user based on said individual user's data stream preferences;

transmitting, by said at least one server, said at least one selected data stream to said computer as said personalized internet radio station broadcast for said individual user via said network;

receiving, by said at least one server, feedback via said network, said feedback expressing a preference of said individual user regarding at least one of said transmitted at least one data stream; and

reutilizing, by said at least one server, said selection method in response to receiving said preference of said individual user, said reutilizing said selection method comprising selecting one or more of said data streams

for said playlist for broadcast as part of said individual user's personalized internet radio station, said selection being made in accordance with said individual user's data stream preferences, including said received preference, taking into account user input identifying those data streams that are to be excluded from being selected for transmission to said individual user computer, and limiting said individual user's control over selection of particular data streams from said database to prevent said on-demand selection of data streams.

25. The method of Claim 24, further comprising:
performing said step of reutilizing by said at least one server to update said playlist of data streams using said individual user preferences while a data stream selected for said personalized internet radio station is being experienced by said individual user at said computer.

26. The method of Claim 24, the steps further comprising:
receiving by said at least one server via said network feedback expressing preferences from sources other than said individual user.

27. The method of Claim 26, wherein the step of receiving preferences from sources other than said individual user further comprises:
receiving by said at least one server via said network feedback expressing preferences from the group consisting of other users, commercial radio stations, and lists of popular songs.

28. The method of Claim 24, further comprising:
informing said individual user generally regarding said database and said data streams;
querying said individual user as to initial individual user preferences and then
performing said step of selecting at least one data stream from said database to

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generate an initial transmission list of data streams, said initial transmission list being selected using said initial individual user preferences and said selection method.

29. The method of Claim 24, wherein said data streams are selected from the group consisting of songs and videos.

30. The method of Claim 25, wherein a data stream selected for said playlist is removed from said playlist after it is broadcast to said computer.

31. The method of Claim 30, wherein said data stream removed from said playlist is listed on a transmitted data stream list.

32. The method of Claim 24, wherein said selection method taking into account sound recording performance restrictions in data stream selection.

33. (Cancelled)

34. (Cancelled)

35. A system comprising:
a database of media content data streams
at least one server computer connected to a computer network, said at least one server computer accessing said database to create a plurality of personalized internet radio stations for broadcast to a plurality of users, each of said personalized internet radio station for broadcast to one individual user of said plurality of individual users and having an individualized playlist that is created exclusively for said individual user and identifying at least one data stream selected from said database for broadcast as said individual user's personalized internet radio station;

a data stream controller coupled to said at least one server computer, said data stream controller transmitting media content data streams to said individual user at a computer connected to said network according to a selection program performed by said at least one server computer to select data streams for broadcast over said computer network to said computer as said individual user's personalized internet radio station; said selection program used in selecting media content data streams for said individual user's playlist, said individual user's playlist for transmission to said computer for said individual user via said data stream controller as said individual user's personalized internet radio station, said selection program receiving feedback via said computer network indicating a preference corresponding to at least one of the media content data streams from said individual user, said selection program performed by said at least one server computer being influenced but not controlled by said individual user preferences, said selection program using said individual user preferences to select data streams to be experienced at said individual user computer, taking into account individual user input identifying those data streams that to be excluded from being selected for transmission to said individual user computer, and limiting said individual user's control over selection of data streams from said database to prevent an on-demand selection of a particular data stream by said at least one server computer for transmission to said individual user based on data stream preferences.

36. The system of Claim 35, wherein said computer network comprises the Internet.

37. The system of Claim 35, wherein said database is a song database and the data streams are songs.

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38. The system of Claim 35, wherein said database is a music video database and the data streams are music videos.

39. The system of Claim 35, wherein said media content data streams are to be experienced via an electronic media player.

40. (Cancelled)

41. (Cancelled)

42. The system of Claim 35, wherein said selection program modifies said playlist of data streams for transmission to said individual user according to said individual user preferences.

43. The system as set forth in Claim 35, said selection program taking into account sound recording performance restrictions.

44. (Cancelled)

45. (Cancelled)

46. An apparatus comprising:
at least one server computer that executes code to generate a plurality of personalized internet radio stations for broadcast to a plurality of users, each of said personalized internet radio station for broadcast to one individual user of said plurality of individual users and having an individualized playlist that is generated exclusively for said individual user and identifying at least one data stream selected from said database for broadcast as said individual user's personalized internet radio station, said at least one server computer to further provide:

a rating tool, said rating tool receiving individual user preferences regarding one or more data streams played at a computer for said individual user by a media player, said individual user preferences comprising said individual user's ratings associated with said one or more data streams; and

a playlist generator, said playlist generator generating said playlist by identifying data streams to be experienced by said [[an]] individual user as said individual user's personalized internet radio station using said media player, said playlist generator selecting data streams for inclusion in said playlist according to said individual user preferences received from said individual user, taking into account individual user input identifying those data streams that are to be excluded from being selected for transmission to said individual user computer, and limiting said individual user's control over data stream selection to prevent an on-demand selection of a data stream by said at least one server computer for broadcast to said individual user based on data stream preferences.

47. (Cancelled)

48. An apparatus of Claim 46, further comprising:
said playlist generator further selecting data streams in accordance with being in compliance with sound recording performance restrictions.

Allowable Subject Matter

Claims 1-9, 11-15, 18-19, 21, 23-32, 35-39, 42-43, 46, and 48 are allowed in view of the Applicant's arguments (Response filed 8/13/2009) and the cited prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is 571-272-3910. The examiner can normally be reached on Monday-Thursday 9am-5:30pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/
Primary Examiner, Art Unit 2443